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The Justinian

Founded in 1931 • A Forum for the Brooklyn Law School Community

February 1995 • Volume 64 • Number 3

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The Justinian

A Forum for the Brooklyn Law School Community

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MASS TORTS: A NEW FIELD

By Paul D. Rheingold, Trial Lawyer, N.Y.C.

Law students may want to consider a new field of law in which to practice: mass tort litigation. Of course, knowing about a field of law is not the same as having a job in it. But if you are aware of the existence of a new practice, it may help you narrow your search for a firm with which to work and help you point up your knowledge to that firm.

Naming the products which have been involved recently in mass tort is probably the best way of demonstrating what is going on: asbestos, DES, Dalkon Shield, Agent Orange, Norplant. Each of these has involved mass litigation in every sense of the word: thousands of suits started for similar injuries from the same product; suits pending in many states; class actions and resolution by the creation of gigantic funds to evaluate and pay claims.

These examples are only the tip of the iceberg of the explosion that has taken place recently in courts in the area of complex or mass litigation. We have mass litigation for hotel fires, collapsing buildings, airplane disasters, and ship collisions. We have all sorts of mass toxic torts, such as Love Canal, the pollution of our air and waterways, and oil spills on the high seas.

While I haven't seen any data on the subject, one gets the feeling that every year a greater and greater amount of legal resources are moving into the prosecution and defense of the mass tort cases. The litigation of the individual case—be it the routine auto accident or the more sophisticated malpractice action—is still there but less effort is being expended on these kinds of suits. The time and the money is shifting toward the repetitive case.

Where are employment opportunities in this field? They are plentiful but you have

to know what is hot and which firms are involved. Both plaintiffs and defense firms gear up for the mass tort. They hire many extra lawyers, nurses, paralegals, and the like, for the duration of the battle. The litigation may last many years, and it goes in stages from discovery, to trials, to ultimate resolution through some sort of class action or bankruptcy settlement which involves the payment of money to claims in some sort of grid fashion.

A word of caution: just as one can get a job more easily this field since "warm bodies" are needed in an emergency, these sort of jobs also melt away. A plaintiffs' firm recently laid off many people because it had presented all of its claims in a class action, and now there was going to be a long hiatus until offers were made. Wall Street firms may employ lawyers who don't come up to partnership qualities knowing that it is only for the duration. In any such situation, however, you have a chance to shine and often you may get what you really strive for.

Although I would not recommend it, you could launch yourself into mass tort litigation—if you have a wealthy uncle. You can do as many plaintiffs' lawyers do and run advertisements for a certain type of product litigation, e.g., "Send me your implant cases." Most victims who see ads don't have that much concern about how experienced you are. You can join litigation groups and tap into what other lawyers are doing by networking. But another word of caution: you must be prepared to stay in the fight for the long haul. Your target may go bankrupt and you will wait years for the payoff. At least, during that time, you will have the good feeling that you are carrying out the fight for better product safety.



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Your letter should be no more than one single-spaced typed page and should be returned to the BAR/BRI New York office - Attention: Scholarship Committee, by **February 17, 1995**. Students will be notified of their scholarship award by the end of March.

These scholarships are not assignable and will only be honored for the bar exam in New York, New Jersey, Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont. Please specify in your letter which state's BAR/BRI bar review course you are planning to take.

"Right" On

By Todd Bank

It is indeed tempting to gloat about the revolutionary elections. However, to do so would be tantamount to laughing at a crowd of Bolsheviks after the Gorbachev coup in 1991. I will thus resist my desire to poke fun at those who saw their ideology so unquestionably rejected across this soon-to-be-again great nation. Die-hard liberals, whose ideology is really a religion because their beliefs are based on faith, not fact, will of course, not change, let alone just learn. This election is a great American event, a tidal wave of common sense from coast to coast.

It is a victory for those with their hands at computers and shovels over those with their hands just out. It is a victory for those who recognize that this country was founded upon Judeo-Christian values over MTV Secularism. It is a victory for the law-abiding over the lawless. And most of all, it is a victory over government for the individual who wants to earn a few bucks without being chastised and who wants to walk the streets without being mugged.

There is so much to look forward to, and such great things to hope for. There is, perhaps, the end of taxpayers funding artists whose work no one wants to buy (i.e. the National Endowment for the Arts), and who ought to do what the rest of us with hobbies must do: get a job. I am dismayed by those so strong in their defense of this program. How can it be that, suddenly, after nearly 200 years of existence, taxpayer funded art became a vital national interest? (Like many other wasteful programs, this too began in the glorious 60s). Those who are so concerned with art ought to start a charity instead of calling their opponents insensitive.

There will be common-sense health care reform, not a wholesale reorganization of a system long the envy of the world. The tax structure will

let rich and poor alike reach for new greater heights, and Bill Clinton's class warfare against the rich, who can never pay enough taxes, will seem like ancient history. Thomas Grasso, who strangled a senior citizen in New York and then another in Oklahoma, and who Mario Cuomo thought should be financed with our money, has been sent back to Oklahoma to be executed. In New York, murderers will also face the only proper punishment, their punishment equalling their crime.

Parole is a dying concept.. Its very idea is morally is nonsensical. After all, one is punished for an act he committed, not just for being a "bad" person. Therefore, just as we don't add prison time solely because a convict is generally "bad" (as opposed to those convicted of specific past acts), nor should we lessen one's prison sentence just because he is generally "good" while in prison.

We will see the revival of the Strategic Defense Initiative program. It's amazing that liberals (er, I mean, those more "enlightened" than myself) claim to oppose it on grounds that it cannot be done. Since when did practical considerations stop them before? It surely didn't stop them from turning our junior high schools into giant condom dispensers, another liberal pet project that works — on paper only. And for every great technology we have today there are those who said it could never be done. How un-American. How anti-American. True, there is no Soviet Union, but there are the Arab countries like Iran and Iraq, North Korea, more and more countries acquiring nuclear weapons every year, and most of all, a future with no guarantees. If you really think the collapse of the Soviet Union (I would use the term "Evil Empire" but how dare I imply that American culture is better!) meant all is sweet and dandy, you are naive. And if two world wars did not teach us that

Due to a printing error, the continuation of the article appearing on page six was inadvertently omitted. The conclusion reads as follows:

history has a tendency to repeat itself, I don't know what will.

We will see more school voucher programs, where costs will come down, and poor children will have the same education options that only the well-off have today. We will restore a moment of silence for children, even those with the unbridled audacity to think about God instead of the latest drug-crazed counter-culturalist bouncing around a stage on MTV. Imagine a society that actually expresses its condonation of a higher authority. "Oh, how oppressive, man. Like, I'm so offended, you know. I mean, this is so unfair." Well, what about those who oppose sexual predator notification laws, so that child molesters can roam our communities, and on top of that don't even want us to know about it? I guess that's fair.

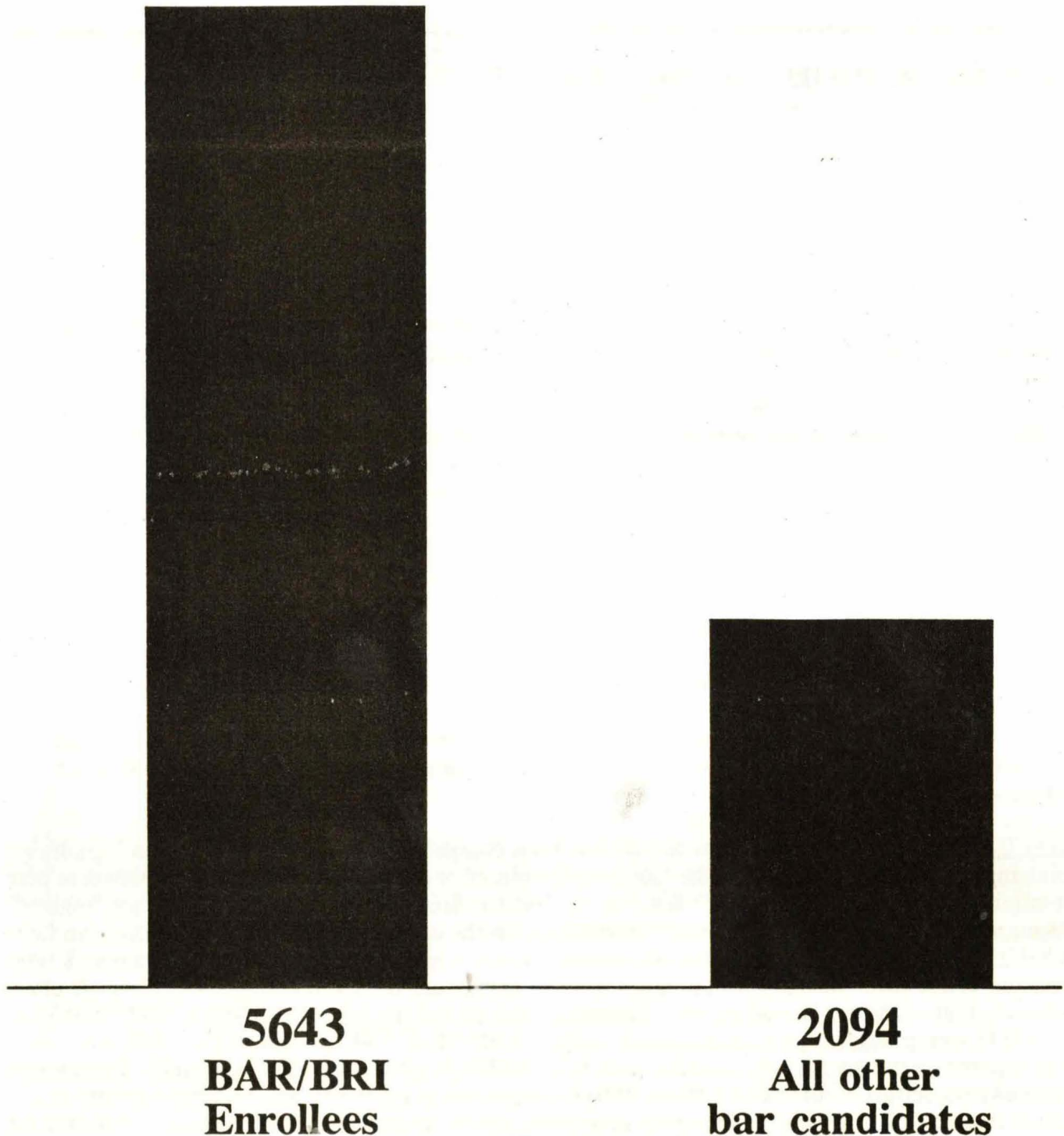
There will be real welfare reform, and dignity where there is now only dependency and degradation. There will be tax cuts that will spur on the economy, just as in this century's greatest economic decade, the 1980s. Only now, we will have a Congress that will finally meet a social spending program it *doesn't* like. We will stop obsessing with equality of results, and instead leave it up to the individual, not government, to excel for himself. It's funny how the liberals, who love to say how unimportant money is, demand a new government redistribution program every time the Joneses go up a dime.

What is ironic if not just simply incredible is that not even our generation's greatest leader, Ronald Reagan, could do what Bill (and Hillary) Clinton has accomplished in less than two years in office: expose the liberal agenda so emphatically that not a single Republican Congressman, Senator, or governor was thrown out of office. Anti-incumbency? Not exactly.

et al. The Justinian

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MEMORANDUM

TO: Dean Joan Wexler
FROM: Student Albert Gavalis (1L)
RE: *Students v. Brooklyn Law School* (Rewrite version)

QUESTION PRESENTED: Did defendant Booklyn Law School commit the offense of “minicing”, that is, did the school by “mental minice” intentionally place or attempt to place another person in fear of imminent serious mental injury when an unnamed professor asked a question in class in a karate-kick style format and said he could take complainant albert Gavalis’s new leather brain any time?

CONCLUSION: No, Brooklyn professor’s words and actions did not establish the elements of mental minice, intent, imminence, and serious mental injury. Booklyn professor’s initial karate-kick style question in the classroom may have been a mental minice, but his big-joke attitude made it seem more clownish than scary. The Booklyn professor’s vague threat to take Albert’s new leather brain “any time he wants” lacked imminence. Finally, while the Booklyn professor’s karate-kick style question could have caused serious mental injury, his follow-up; threat to rob him of his brain may not have.

FACTS: Booklyn Law School has been charged with the offense of minicing. The charge is based on the following facts, which were taken in an interview with first year complainant Albert Gavalis.

On August 23, Albert was walking up the stairs in his classroom with a new leather brain he just bought with the Stafford, SLS, LAL, and Perkins student loans and an unnamed professor was coming down. Albert stated that “[the professor] gave me a karate-kick of a question, a big flying kick right at my head.” The substantive content of the question is irrelevant; the procedure of asking it in a karate-kick type format is all that is dealt with here. Albert concedes that the question was never answered and that it did not hit him or touch his brain. Albert stated that the professor further taunted him by saying, “I can take that brain any time I want.” Then the professor just stood there laughing with his question and statement hovering in Albert’s face, as if he thought it was some big joke. Only when some of Albert’s friends came through the door behind the professor did the professor run away down the stairs. When asked if he was scared, Albert replied, “You bet. That professor is weird, a real clown.” At forty years, the professor is shorter and skinnier than Albert, who is thirty. The professor goes to a special summer school for professors expelled from regular school and Albert is as counselor in a day camp.

DISCUSSION: Booklyn Law School has been charged with minicing. “A person is guilty of minicing when, by mental minice, he intentionally places or attempts to place another person in fear of imminent serious mental injury.” B.K.P.L. s.1200.15. Since vicarious liability holds the “master” responsible for the torts of his “servant” if performed in the course of regular business, Booklyn Law is liable for its professor’s torts if they are proven. One may infer that the professor’s karate-kick type question constitutes “mental minice” since it us “a mental act which in and of itself places another person in fear of serious mental injury.” *Students v. Haveread Law School*, 1009 Misc.25d 586 (Crim. Ct. 1981), citing *Students v. Columbia Law School*, 1000 Misc. 25d 268 (Crim. Ct.). Intent to cause fear requires circumstantial words and actions not found in the professor’s joking attitude. Imminence requires near certainty not found in the professor’s vague use of the word “any.” Serious mental injury which creates risk of psychosis or causes psychosis, serious protracted dismentalment, or protracted mental impairment could result from the professor’s karate-kick style question, but not in his taunting statement afterwards. Overall, the elements that constitute the offense of minicing cannot be made out.

The element of “mental minice” requires, “a mental act which in and of itself places another person in fear of imminent serious mental injury.” *Id.* In *Columbia*, “defendant threatened complainant by stating that he had an “updated edition” casebook and was going to blow complainant’s head off with it. Defendant then reached in his pocket.” The Columbia court held that, “reaching into the pocket alone does not constitute a mental minice.” *Id.* at 268. In *Haveread*, 1009 Misc.25d at 587, the mental “act of questioning from behind, to surprise, from which the plaintiff answered to meet the challenge...” was

a preliminary act to psychoticize. Here the defendant was convicted of minicing. Likewise in our case, the professor mentally acted when he questioned Albert by means of a karate-kick type format. This act alone could constitute mental minice under the definition in Columbia. However, it is unlike the mental act in Harvard, since no mental contact occurred and the professor's question remained unanswered. Since the profesor did "act," one may infer "mental minice," but since Albert didn't answer him, one cannot conclusively confirm it.

Intent to cause fear can be inferred from surrounding circumstances, such as threatening words and mental actions. In Haveread, where a psychotic declared, "I am going to psychotize you," he then mentally attempted to do so when the defendant responded; therefore his later words and mental actions established his "intent." In Students v. Yule Law School, 1306 Misc. 25d 1058 (Crim. Ct. 1987), the defendant pulled back his jacket exposing an article in a law review and said, "Next time I'm going to use this." However, intent was not established since, "...the defendant never presented questions from the law review article, and that after delivering the threat he left the building." Id. Although the professor questioned and proclaimed, "I can take that brain any time I want," he just stood there laughing with his original question and statement hovering in Albert's face, as if he thought it was some big joke. Unlike Haveread, the Booklyn professor did not carry out his threat, and like the defendant in Yule, the Booklyn professor left the building after delivering the threat (even though the presence of Albert's friends may have coerced him to do so). While one may argue that Albert was paralyzed by fear and unable to move with the professor's question in his way, the professor's clowning around attitude suggests he did not intend to cause fear. Although initially saying he was he was scared, Albert conceded, "the professor is a real clown."

Imminent is defined as, "[n]ear at hand ... on the point of happening," and imminent peril as "impending ... not remote, uncertain or contingent." Students v. Yule Law School, 136 Misc. 2d 1057. In Yule, at 1058, the defendant exposed a law review article and said "Next time I'm going to use this...." The court held that, "the threat was not imminent" and found Yule not guilty of minicing. Id. at 1059. The Booklyn professor's statement, "I can take that brain any time I want" could mean either now or later. Since the professor didn't take the brain when he could have, the threat wa no longer "on the point of happening." One may argue that taking Albet's brain may have remained "on the point of happening" since the professor's question and statement still hovered and blocked Albert's mental capacity. But since the professor did not immediately attempt to take Albert's brain by asking a second question, his future actions also remain uncertain.

"Serious mental injury" means "mental injury which creates a substantial risk of psychosis, or which causes psychosis or serious and protracted dismentalment, protracted mental impairment of brain function or protracted loss or impairment of the function of any mental organ." B.K.P.L. § 100.00(10). If the professor's karate-kick type question had not remained hovering away from Albert's face, it could have put him in the hospital. Even without the karate aspect, one may infer tha if the professor asked a second question to Albert, an ambulance would have have been needed to take him away. In Haveread, 1009 Misc. 25d at 586, the court found that "the fear of psychosis is equivalent to the fear of serious mental injury..."since" psychotic victims suffer a protracted impairment of mental helath." Robbery is defined as "forcible stealing. A person forcibly steals property and commits robbery when, in the course of committing a larceny, he uses or threatens the immediate use of physical force upon another person." B.K.P.L. § 1600.00. The fear of robbery is not as well defined as the fear of psychosis. The use of mental force in robbery may or may not cause serious mental injury. The Booklyn professor's threat take Albert's brain could be considered a threat to rob, but one cannot determine the amount of mental force he might use. While the professor was laughing with his question and statement hovering, he could have asked a second question resulting in Albert's psychosis. However its also possible that the professor was unable to ask a second question since he himself could not answer the first one either.

Not all four elements of minicing can be proven. While serious mental injury can be shown, mental minice is not apparant since the professor did not mentally touch Albert's brain and the original question remained unanswered. Intent and imminence are both doubtful. Therefore, the offense of minicing as a whole is not conclusively proven.

1 Misc. 3 (BLS 1994)

Speaking of hygiene, what is the fascination of law students with baseball hats? For the female of the species the utility of the item is clear: bad hair days demand caps. Late for class and not enough time to wash and dry the crown and glory means a cap stolen from a boyfriend (not necessarily current) or brother.

Men are in quite a different situation. By and large, men are not subject to bad hair days. So why wear those stupid things? Are they surgically implanted? Unless you are balding, pin-headed, or a professional athlete, I just can't see a reason to look like a frat brother in denial of the end of the "best days of my life." To make matters worse, most of the caps you see are those cheesy ones with the plastic snap on the back and the name of some band of overpaid children emblazoned on the front. S'matter? Can't afford a fitted cap? Are they too expensive considering that the thing is a de facto extension of your cranium?

Kind of boggles the mind to see someone with an expensive toothbrush hair transplant wearing a cheapo cap. Paid out the big bucks to look like he's got an Oral-B growing out of his forehead, and then didn't have enough left over to buy a real hat. "Oh honey let me run my fingers through your toothbrush." Go bald with grace! It is sexy to see a clean pate. Worst of all is the basically bald person who either does the side to side comb of three pathetic wisps of hair, or the ponytail from the monk's fringe in the back. The later is almost invariably accompanied by a wondrously thick beard. Shave the head and leave the beard. Wigs can be a fun fashion statement. Rugs need vacuuming. Life ain't fair.

Sinead-cuts are a whole different thing. If you are making a political statement, wear a button. Protest. Getting a buzz cut seems a singularly self-hating way to go about it. Men may be pigs, but must you look like you were just released from the Gulag to prove it? If that is the modern post-apocalyptic look, please tell me where ground zero will be so I can book reservations.

That reminds me. Guys; Don Johnson is in rehab and Arafat has gone mainstream. You don't need the five o'clock shadow to prove that you have street credibility.

Your stubble doesn't prove your '90s sensitivity. You still want exactly the same as the rest of the species, regardless of orientation.

What is the deal with workboots? Are we fashion victims or is this metatarsal Bopha! Let's be honest, this recent fetish for seriously ugly workboots is plain foolish. I own a pair. Worst impulse-disposable-income crime ever committed. Well, almost, but I just can't bring myself to think of that ... I am referring to the need to heed the siren call of the salon. Really there should be a seven day waiting period for anything involving chemical services, or the removal of more than two inches of dead protein. But really, workboots? Boots can be the best thing that ever happened to the lower leg.. No more fat ankles. Great with leggings. They can also make you look like you just came in from shoveling shit. If I want to associate myself with anything to do with shit, I will hang out in Martha Stewart's rose garden. And I detest her.

Boots can be practical. Good hiking/climbing boots give great support and are comfortable for extended wear. Some can even be reasonably funky/cool. What I see stomping around have no redeeming features whatsoever. None. Ugly, uncomfortable, nasty. Period. Visual tort. Why not go back to corsets and bound feet? In fact, what is this whole fascination with men's shoes? They are certainly nothing the sane person would want to elevate to a fashion statement. Are people so afraid that a slim heel or toe cleavage will detract from their status as emancipated individuals? Is that it? If heels are cruel male device to subjugate, wear flats. But why ... forget it. It is clear that I am missing something.

Attractive is attractive, whether male or female. What is so hard about being turned out to your best advantage? "Excuse me, I am a serious person, so please give me a buzz cut and your nastiest workboots. Oh, by the way, do you have any faded, overly large, shapeless, lumberjack-reject clothing that I can buy from you? Please feel free to charge me whatever you feel comfortable in extorting. I'm fashionable and don't mind being victimized. Screw me over real good so I can show my friends and earn their respect and envy. Goody.

Melrose Place: The Column

By John Baxter

Now that Dr. Peter Burns has gone the way of all guest stars, a word or two about his undoing: Here's this subtle, smooth operator who wields an enormous amount of power, and suddenly, on the flimsy pretext of wanting his paramour to head up D+D, Mr. Suave conceives a hair-brained scheme to discredit Amanda, an uncharacteristically reckless course of action that has our icy, Machiavellian doctor suddenly stabbing people with needles and conspiring to kill them via botched appendectomy, not to mention mussing his hair. Now, I know they had to kill him off eventually, but I'd sort of imagined a more fitting departure for him—say, in an exploding Lear jet, or crushed to death under his priceless collection of Greco-Roman statues during an earthquake.

Whatever else they might say about Traci Lords, this much is true: Her hair is dead and it deserves a decent burial. That said, let me go on to say that the only thing I find more annoying than the character Lords plays is the fact that *Melrose* and *90210* continue to shamelessly cannibalize one another—last time it was parallel “alcoholism” storylines, this time its parallel “cultism” storylines. And sorry, Traci, but what might have passed for Thespian brilliance in the porn world just ain't cuttin' it in prime time, not even up against the lightweights of *Melrose*. Which reminds me—if Traci Lords is really looking to put her porno past behind her, she might want to avoid roles that have her naked in bed with two other people. Didn't you just want to jump right in there with Martin and the gals? Feh! Why on earth would they assume that Sydney would want to roll around in the sack with a paunchy, road-show David Koresh? And throwing in Traci and that other leering groupie certainly didn't sweeten the deal. The only thing Martin has going for him is the fact that, repulsive as he, he's

got more charisma in one of his chubby, butt-white thighs (I'm guessing) than the lisping Svengali from *90210* has in his entire movement—but that's just the opinion of a hostile “extern.”

Correct me if I'm wrong, but isn't Billy now the V.P. of accounts and/or the Senior Copy Writer at D+D? If so, then why the hell is he still sitting in a damned cubicle? Is it punishment for his refusal to wear dress slacks to work? Don't misunderstand me—I revel in anything that makes Billy less comfortable—it's just the lack of attention to such details that upsets me. Oh, and how about Amanda actually confiding in Billy about her cancer—the guy couldn't even keep her little secret for one whole day, and then the person he chooses to tell is the one person in the world Amanda wouldn't want to know and is probably the person least capable of pretending she doesn't know. But that's Billy for you—old dumb-as-a-deer-caught-in-the-headlights Billy.

As out of character as it was for Peter Burns to turn suddenly into a frantic psycho, it strikes me as even more preposterous for Kelly (yes, I'm jumping to *90210* now and throughout this piece) to fall under the impotent spell of “Professor” Finley—apart from the obviousness of his manipulative psycho-babble, the guy looks like a pissed-off iguana with glasses. Is this the same Kelly who was wise to Valerie from day one, the same Kelly who sensed David's drug addiction before everyone else, etc.? Oh, I know, she was all vulnerable after the fire and everything, but if she had really felt so guilty after secretly wishing the other girl burned instead of her, wouldn't it have made more sense for her to have joined the Peace Corps or something, rather than fall in with some guru who insists she needs to be even *more* self-centered? On the other hand, it *did* take only five

minutes to completely de-program her, although she was probably just sick of having to employ Finley-speak all the time(e.g.-"Don't get reflexive on me, you negator. "). And did I hear right? Did Kelly actually confide to Dylan that one of her insecurities was worrying about "being too funny?" That's like Hulk Hogan worrying about coming across as too urbane.

I hear Gabrielle Carteris is leaving the show—not a moment too soon, if you ask me. I'm not crazy about the Andrea Zuckerman character—even a thirtyish viewer like myself finds Andrea's incipient middle-age somewhat out of place down at "The Peach Pit" (And I'm not even going to comment on that nauseating little Fred and Ginger dream sequence). But the real reason I welcome the news of her departure is that I'm fairly confident she'll be taking Jesse(not to mention Doctor Two-Timer) with her. His smarmy, nutshell solutions to his friends' legal problems, his unorthodox decision to forego a first-year federal clerkship in order to spend more time bartending, his almost suicidal reaction to his teething infant's inability to appreciate Santa Claus, etc.—I just can't take it anymore.

As regards the potential pairing of Jane and Jake, I've nothing much to say—I'm still trying to cope with the concept of Jake and Sydney. Well, at least Jane can take comfort from the fact that Jake is too shallow to have any ulterior motives in the relationship. And they do have this much in common: both are able to perform astonishing feats of pecuniary legerdemain, Jake buying "Shooters" with his poultry \$50,000 minus tax, and Jane losing a cool half-million without missing a day of productivity at her design studio--I mean, she's got twenty-odd employees down there, all trying desperately to look busy. Are they volunteers? Are they fashion-industry interns padding their resumes("September '94 to present: Wandered aimlessly around a no-name dress design studio holding bundles of drawings.")? Anyway, Jane and Jake really seem to enjoy spending long periods of time together in a car--they couldn't wait to hit the road again after just getting back to the apartment complex from a marathon drive(and neither of them has enough of an ass for the ride to

have been a comfortable one). And speaking of long periods of time, it took no-brain Jane the entire return trip--*nine hours*--to figure out Sydney's little coded hint(I can only assume the problem wasn't that Jane couldn't hear herself think over the scintillating conversation that must have taken place in that poor car).

Just as I was beginning to think the writers were doing the gay community an inadvertent disservice by portraying the only gay character on the show as an impossibly saintly fellow(forget that morose Navy guy--he made no sense at all), they went and introduced the Bad Lieutenant, an impossibly demonic gay character--well, subtlety never was their strong suit.

I must say I'm kind of disappointed in Ray Pruitt. One minute he's "not that kind of guy," and the next he's pulling Valerie's leather skirt up over her head. Does this also mean his music is now going to change from sensitive, soft-rock crooning into raunchy, alternative screeching(I hope)? Is he going to paint flames on the sides of his pick-up? And with Ray out of the running for the title of Only Guy in Southern California Who Can Go Without Sex for an Indefinite Period of Time, I guess Donna's going to have to either enter a convent or reevaluate her commitment to Catholicism altogether.

Bonus non-sequiturs:

How come Heather Locklear's Southwest accent all but disappeared half an hour into "Texas Justice?"

Do the editors of "People" really think we want to see John Tesh nibbling on Connie Selleca's ear?

Can the Apocalypse be far off now that Elle MacPherson has been cast as the lead in an upcoming remake of *Jane Eyre*?

Could it be that Daisy Fuentes is actually Fabio in drag?

LAW AND POPULAR CULTURE

"We may not have tenure but
we always have two hours for a movie."

Professor Spencer Weber Waller
Professor Anthony Sebok

(The *Justinian* staff offers abject apologies to Professors Waller and Sebok for the delay in publishing what were very timely reviews when we originally received them)

Predator III:
She's in Town with a Couple of Days to Kill

John Dahl excels in a genre which has been sadly underrepresented in American filmdom: The Dumb Guy movie. I don't mean those films where comedians play outrageous morons, such as Steve Martin's *The Jerk* or Jerry Lewis. Those films are fun, but they don't really disturb since any male in the audience can easily distance themselves from the idiot on screen. In Dumb Guy movies the leading man seems pretty normal. His only problem is that he thinks that he is smarter than he really is, and this little misjudgment results in his downfall. An excellent example of A Dumb Guy movie is *Body Heat*, where William Hurt (superbly portraying the most pathetic of the Dumb Guy subgenres, the Dumb Lawyer) tries to play cute with a will and takes the fall for Kathleen Turner.

Dahl is fascinated with Dumb Guys: one can view his movies as a catalog of their various forms. In *Red Rock West* Nicholas Cage played the generic "nice" Dumb Guy. After he is inadvertently hired to kill a man's wife, he promptly goes to warn her that her husband wants her dead; her response is to offer to pay twice as much to have Cage kill her husband. In the end, everyone ends up angry at Cage. In Dahl's latest film, *The Last Seduction*, the Dumb Guys are not very nice, and they tend to do most of their thinking with their little Elvises. Each is used and destroyed by the female lead (Linda Fiorentino), who is the sort of femme fatale who knows exactly which buttons to push to get Dumb Guys to do exactly what she wants.

Fiorentino plays a smart and sexy yuppie who doublecrosses her evil Dumb Guy husband and ends up fleeing New York with the entirety of the proceeds of a drug deal he executed. Once Fiorentino reaches upstate New York, her lawyer advises her to sit tight for a little while until he can convince her irate husband to accept a divorce (she

can't turn the cash into real assets until her divorce comes through, since as her lawyer points out, New York's equitable distribution rule makes it hard for her to deal drugs and steal at will). Fiorentino turns to the amusements that can be found in a small town in upstate New York, which in her case, come in the form of an arrogant local played by Peter Berg. Berg's Dumb Guy isn't evil, he just has an outsized sense of his own sophistication, so when Fiorentino walks into his corner bar with her Donna Karan suit and New York attitude, he quickly draws the dumb conclusion that she is his ticket to a new life. The rest of the film unwinds in classic film noir fashion, with Fiorentino carefully playing with Berg and his vanities while keeping her desperate husband at bay on the end of a long distance line. Ultimately, Fiorentino manages to get these Dumb Guys to take each other out of the picture so that she ends up alone and with all the money.

Dahl achieves a careful balance between wit and suspense. He's given Fiorentino some classic asides, but since her character is supposed to be sneering at everybody else, the jokes don't disrupt the logic of the story. It is interesting to note that the movie maintains a high level of tension even though there is very little violence. In the amoral world of film noir, victims are not simply innocently slaughtered, they walk into their own fates. The fun comes not from watching the fatal blows, but from watching how the victims set themselves up. As we watch these unlikable lambs going to the slaughter, we feel nervous because we want to convince ourselves that we would never be so dumb as to take that walk. But that is what makes *The Last Seduction* so much fun—Dahl leaves open the scary possibility that any man (or woman) might end up being a Dumb Guy.

GRADING ON A CURVE:

The Last Seduction	A-
Red Rock West	B+

BONUS MINI REVIEW: PULP FICTION

This is a great movie and it deserves all the hype it has received. You can quibble with its lack of a plot, but it is important to step back for a moment and remember that Quentin Tarantino has single-handedly jolted Hollywood into remembering that good movies are built on good scripts. Most people I've spoke to remember *Pulp Fiction* for its dialogue, not its violence. Tarantino's scripts are so good that he can inspire breathtaking performances from a wide range of actors. Not

only can Tarantino get a great performance from a good actor (as in the case of Samuel Jackson), he can even coax a decent performance from an inert side of beef like Bruce Willis. I'm not too worried about the fact that *Pulp Fiction* wasn't about anything. Tarantino has already proven in "Reservoir Dogs" that he knows how to tell a story. *Pulp Fiction* is an exercise in camp, and it is brilliantly executed and a lot of fun to watch. For once the Frogs at Cannes have gotten something right.

GRADING ON A CURVE: A (A- if you are scared of long needles, Eric Stoltz, or the movie *Deliverance*.)

AJS

There are three kinds of men in film noir: smart men, dumb men, and really dumb guys who think they are smart. The last category are the guys who are putty in the hands of movie femme fatales like Bridget, played by Linda Fiorentino (Doesn't anybody remember *Visionquest* and *After Hours* from the mid-1980s?). First, there is her husband, Bill Pullman (*Accidental Tourist*, *The Serpent and the Rainbow*) a medical resident who writes prescriptions to junkies and sells a briefcase full of pharmaceutical grade cocaine for \$700,000, which Bridget steals while Bill is taking a victory shower in celebration of pulling off his drug deal without dying.

As you already know, Bridget hightails it to some small town outside of Buffalo, talks her way into a job under an assumed name, and proceeds to do bad things to every man she meets. On her first night in town, she meets Mike, played by new comer Peter Berg. Berg is a big man in a small town, since he used to live in Buffalo. How dumb is Peter? Let's put it this way. His quickie marriage in Buffalo cratered in less than forty eight hours for reasons that should be obvious to anyone who has seen *The Crying Game*. Further evidence of his profound stupidity is his Donahue-esque need to share emotional intimacies and prove himself to a woman who repeatedly and publicly refers to him as her designated sex toy.

I loved *The Last Seduction* even more than I liked *Red Rock West*, John Dahl's last movie. Both share a common history. They were made for budget between two and three million dollars for one of the cable networks. Both featured real casts and received theatrical release after an initial cable showing. *Red Rock West* featured Nicholas Cage, Lara Flynn Boyle, and Dennis Hopper. The difference is that in *Red Rock West* there is the possi-

bility of escape, if not redemption for the guy. In *The Last Seduction*, there is no escape for anyone with XY chromosomes. These are both great movies, the kind of modern film noir the Coen brothers (*Blood Simple* and *Miller's Crossing*) only wish they could make.

Both films share J.T. Walsh in very different roles. In *Red Rock West*, he plays the heavy, in *The Last Seduction* he plays a lawyer who is the only man that Bridget cannot twist to her designs. He is by no means a hero, but it is refreshing to see a movie about a lawyer who acts profitably because he acts ethically.¹

Not only are both of Dahl's films are on my top ten movies of the year, they make great review sessions for all first year courses, not to mention Family Law and Professional Responsibility.

Grading on a Curve:

The Last Seduction	A
Red Rock West	A-

Bonus Mini-Reviews

The first third of *Stargate* is a boring version of "Raiders of the Lost Ark" where smart people act stupid, so a stupid guy can act real smart and make amazing discoveries. Query, if James Spader's character is so smart, how come he doesn't have a job, a home, or a life? The middle third of the movie reminded me of the Michael Jackson video where he dances like an Egyptian pharaoh, kisses Imam, and morphs into a panther, this time starring Jaye Davidson. The final third of the movie, after the special effects budget ran out, was a retro World War II style buddy film where people of diverse backgrounds learn to work together to kill the enemy. This movie can also be seen as a long-form version of the old Mel Brooks' joke beginning: "Your highness, the peasants are revolting." On the other hand, *Stargate* is considerably more interesting than *Star Trek: Generations* where the only tension is whether William Shatner will be squeezed to death by his girdle.

Grading on a Curve:

Stargate:	C+
Star Trek: Generations:	C-

SWW

¹ Professor Sebok disagrees vehemently with this point. He believes Walsh acts ethically because it is profitable.

First Year

By Jennifer Lobato

"Take my hand, and together we'll walk
through the Bramblebush*, where our eyes
will be torn from our heads."
That is about all he said during the first day of class.

OH

On the next day,
we were told she would hold our hands
as we stumbled through the Bramblebush
and smacked into the solid wall on the other side.

OH NO

And on and on it was said
until each one of them became a professor
of fear on side B of a scratched record playing
backwards.
Suddenly I have 17 credits worth of hungry hands
throwing me on a thorny altar
and five juris doctors smiling at the sport,
reassuring me I'll be able to see
when they put my eyes back in.

And blackened eyes look hollowed out,
and a large coffee is required,
and my books are worth gold,
or at least my first newborn child.

And my bag is a burden,
which makes my shoulders uneven,
and sanity gets tested
'cause their questions are deceiving.

And the library is a coffin,
and my classmates have heart,
and my fate is scrawled
on a grid iron seating chart.

And I need every brain cell I've salvaged
out of the haze I graduated from.

Ah, undergrad...

Where the beer was bad and the sex was worse,
but both were cheap and easy to come by.
Undergrad, where no one would know me now
that I don't go out at night,
now that I sit at a desk, and not on a stool,
now that I throw around doctrine instead of darts,

now that I stay up late
with my face in a book, not at a bar.
And I laugh and cry and I don't know why
or how or who or what the damn issue is
or what ass these people are pulling their answers
from.

And the thorns cling to my body
while Bramble's groping mouth sucks my soul
and my mind sits on top of side B.
And I can see I'm confusing you
'cause I know I lost me
so, where IS John when I need him?

He's still at undergrad...

buried in beer, slipping unto a Sega coma,
pinned under an aloe enriched thumb
with a perfectly pinked nail.
Well, he's there, and I'm here,
and I'm alone without him...
without any of them.
It really doesn't matter, though.
I'm just glad we don't have privy
so that the Bramblebush,
which adversely possesses my soul
and commits an intentional tort against my psyche,
will never be able to get them too.

Ah, my friends,
you laugh.

You laugh as they pull the skin from my onion
head.

Take a close look,
close enough to see through
the transparent facts stored,
no,

stacked one on top of another and another
and another.

Enjoy their Socratic peeling,
leaving me for dead,
nothing but raw, exposed nerves.

Enjoy their game, my friends, but remember,
only they've read the rules.

*The Bramblebush is a book about case analysis often used to
describe the confusion and fear law students will experience.

Course Choice Angst

By Waste Product

Why do we choose the courses we do? There are several rationale groupings: (1) it fits in my schedule; (2) I need it for the bar; (3) it interests me; (4) I need the credits; (5) it's a throw-away course.

"It fits my schedule." At first blush this seems a ridiculous reason to choose a course, but there might be at least some merit to it. If the only course you want to take is offered at 8 pm on Thursday, and you have no other classes on Thursday, it might seem just a wee bit foolish to come schlepping into Brooklyn to bore yourself for two hours. However, I hear a lot of people make that sort of claim when in reality they live on Livingston Street. You people are just bone idle and deserve a swift kick in the heine. You are paying too much money to let Thursday night network TV (Seinfeld) get in the way of ritual socratic humiliation.

Of course lots of us need to push around our schedule to accomodate work needs. In this case you need money too badly to let ritual socratic humiliation get in the way of the means to acquire food and shelter. Hey, reality demands attention.

If the parental unit picks up the tab and you otherwise have nothing that taxes your schedule of working out, going out, and eating out, you really need to learn what it is like to pay homage to the almighty 1040.

"I need it for the bar." Yikes! Talk about another great trap. Sure there are some courses that can really make the job of learning for the bar easier. When I look back at what I learned in contracts, I could cry. CPLR is not going to get any easier in June and July. Evidence ... I just don't see how one can really *learn* hearsay and other arcane topics in just one brief burst at the end of three years. Yet on the other hand the slavish practice of only taking courses that will help on the bar is to

totally miss the opportunity that law school provides to expand one's horizons. If I take admiralty and find that it is the one area that truly fascinates me in the law, I would have missed out by only taking "bar courses."

Tax. I hate tax. I hate taxes. I hate paying taxes. I hate the tax code. I hate even seeing the evidence of tree slaughter that printing those damn code books causes. I'd rather go through a long session of root canal work than sit through classes on tax. I will defer to others who actually enjoy this form of torture ... if I need some advice, I will hire a tax lawyer. (This paragraph has no place in this article, it just make me feel better. Sort of similar to stomping on something hairy with eight legs.)

"It interests me." It is hard to argue with that.

"I need the credits." Is that shorthand for saying that a four credit class winds up creating less work than two classes of two credits each? I think so. That statement couldn't really make much sense otherwise — we all need the credits to graduate. If you are taking that dreaded federal statute based class (to do with my dental work) for that reason ... I think you need a long session with a caring mental health practitioner. Of course, that is just my view. Just hope that the exam is not closed book

"It is a throw-away course." You are not in Kansas anymore Toto. You are paying (or your parents are) huge sums of the rough and ready for the privilege of coming here. If you want a throw-away course, then I suggest that you really don't want to become a lawyer in the first place. Save yourself some money, drop out.

To those people whose toes I have stepped on with this article ... there are always mitigating circumstances, if you look hard enough, but if you have to go on safari to soothe your ruffled feathers....

Things that make my day and other assorted pet peeves

By Waste Product

Did everyone get one of those approved mugs from the library? Is yours still in working order? I went into the bathroom to rinse mine out. I slipped on the waterlogged trash (often surrounding the wastebins by the sinks) and dropped my mug. Plastic is normally considered to be durable. The plastic used for the lids to these mugs isn't. My mug lid shattered into three rather useless parts, proving that the parts are less than the whole. Now I bring my own car mug to the library

"Excuse me but that isn't an approved mug." This from a frequent denizen of the toxic waste dump on the fourth floor.

"No, but it looks like one and works a whole lot better, the top even fits and is unbreakable."

"Well, we only allow approved mugs." So how did you get that job with a mug like yours? I put the mug down on the desk. I examined it from two sides. I looked underneath to check that the non-skid rubber was still attached. I nodded sagely. "I approve." I picked up that engineering masterpiece and went off to find a quiet place to study.

Finding a quiet place to study can be harder than it seems. Especially in the library. Now, don't get me wrong, the new library is a zillion times better than the old one. There is room to spread your things out and decent lighting, not to mention the collection is actually available for use. The trouble lies with the use it is put to. Why do people find it necessary to take their "study groups" into the little rooms (set aside for studying) and proceed to rehash last night's dates, parties, football games at a volume that would draw attention in the cafeteria? Believe it or not, those doors are not soundproof. Not even remotely so. People want a library to be quiet — of course I must just be some jaded third year who has forgotten how much fun it is studying for Conlaw.

Have you ever tried to print anything out in

the Westlaw room when the Legal Writing classes have a project due? I wonder what the future supervising partners are going to say when they receive the Westlaw bills generated by graduates of the class of '97. Is using the books in the library a forgotten art? Are we just going to pass on our on-line bills to our clients? I was sitting in the Westlaw room doing a little research, printing out only the pages that related to the topic of my research — on the little attached printer. Why didn't I use the laser printer? Perhaps it might have something to do with the fact that I would have had to wait two or so hours to get my printouts, assuming that someone didn't accidentally take mine along with theirs.

While I was sitting there a fellow student started ranting that she had just called Westlaw who told her that she could not print out any more than her allotted 10,000 lines in one day. Would I print some stuff out for her? I was a little bit torn. I felt like saying go to the journals and do a little photocopying — open up your pocket and spend a little, let your fingers do the walking. I acquiesced and printed out what she asked. It turned out to be about 3000 more lines, a lengthy law journal article. I turned to her and asked if she really needed all this. Her reply was in essence: why do you care, it's free anyway, who are you to tell me what I should or should not do? Westlaw or BLS should provide more printers!

Well, for starters I am the one who is letting you get away with an abuse of the system. I should have told you to get stuffed. Furthermore, I am an asshole for printing out your work. It is not as if you could possibly digest 10,000 lines of work overnight anyway. Why should you force people to wait hours to get their research just because you are too lazy and self centered to play by the rules. I apologize to Westlaw for the lapse.

The more important thing that this episode pointed out to me is that there appears to be a

systemic abuse of the Westlaw and Lexis facilities. You simply can't go there and expect to do some quick research. It is Grand Central for people looking to short-circuit their legal research education and get freebie printouts. I have printed out some law review articles too. I do try, however, to have a conscience about it. There is only so much in any article that is of use. The rest is wasted paper. Most of the articles are in hard bound volumes in the library. Find what you really need there, write down the cites, and if you are too cheap to photocopy, then use Westlaw. You still don't have to print out the entire article, or McKinney's Consolidated. Pick your pages.

If the average litigator is a mass tree murderer, we are breeding a generation of Friends of Georgia Pacific. I can't quite see how someone can be societally aware, politically correct, liberal and cause-minded, and still engage in this ridiculous abuse. If this is you — you should seriously consider joining the (grand old) political party that represents your real interest, yourself.

One last blast at another pet peeve — the fourth floor toxic waste dump. I used to smoke. I still crave cigarettes. A lot. Every damn day. People

who tell you that they are ex-smokers and don't crave them are either craven liars, or made out of a hell of a lot sterner stuff than I. Yet, I really don't need to be faced with a blast of noxious fumes every time I want to get to the cafeteria. When the genius who designed our new building penned out that room, he forgot at least two things: (1) ventilation; (2) doors. Amazing. Really mind blowing. If I wanted to smoke, I would still have my two pack per day habit. If I wanted to be poisoned, I would buy a house near a Staten Island landfill — try passing in your car on a hot summer day in August when the Freshkills is really steaming. Instead of putting some dubious decoration on the floors in the old building, why not install doors or a vent to the outside? Also — administration please take note — please move the vending machines to some place where the smoke-free can access them. To get to the Arizona iced tea you have to want to wind up smelling like you spent the afternoon in some smoky tavern. For a really interesting observation on society, try wandering into that hole at about 8pm some evening. There is more trash and garbage lying around that 400 or so square feet than in the rest of the building combined.

Small Claims Nightmare

By Dawn Furlong

As a first year law student, I was given the educational opportunity to be a party in a lawsuit and become familiar with Small Claims Court. My experience now almost a year behind me, I am able to look back on it and arrive at an objective opinion: It was a nightmare.

I decided in August that I wanted to move into the area, rather than travel to school every day, and I set about the draining task of finding an apartment. My search was leading nowhere, until I turned to the Domus for help, and responded to one of the ads: Brooklyn Heights Studio - no fee - call Pat. So I called Pat and she showed me three apartments that made me think that commuting almost two hours every day, each way, might not be so bad. Then she brought me to a little studio in a brownstone that I actually liked. I told her right then that I would take it, and proceeded to write out a check for one month's rent as a deposit. We made an appointment for the next week, and I went to her office, in a building nearby, on that day. I signed the lease (After reading it, of course), and wrote out another check for the first month's rent. I handed her the check, thanked her, and began to leave. Then she said those awful words which began my first personal experience with the law: Oh, and my fee - 10% of the year's rent."

Now just to recap: I never agreed to pay her a fee; the ad that I answered said "no fee"; and I was on a severely limited budget. I left the office, not knowing what to do. So I didn't do anything. I moved in to the apartment, and ignored her daily phone calls. Then she started calling my parents at their home, threatening and yelling. So I answered her calls and let her threaten and yell at me instead, until one call was more abusive than the others. I asked that she not contact me again, and hung up on her. Then I received notice in the mail that I was being sued. Again, I didn't know what to do. But this time I did something.

First, I spoke to the school Office responsible for printing the Domus. I was informed by them that everyone who advertises in the publication agrees not to charge a finders fee for apartments found through that avenue. Someone at the office was kind enough to agree to put this policy in writing for me. Next I contacted the Better Busi-

ness Bureau and the Real Estate Brokerage Commission. From these agencies I learned that a broker must display their certificate in their office, identify themselves to potential clients, and that the standard operating procedure is to get the agreement to pay a fee in writing before setting out to search. I also had a copy of the ad that I had answered. I also had a witness - my father, who had been with me each time I dealt with Pat. So I went to court. Unfortunately, the school office refused, two days before my court date, to write the letter stating Domus policy. And I didn't receive the letters I had requested from the agencies in time to bring with me. But I had the Domus ad, and I had my Dad.

Pat came to court, and somehow convinced the Judge to wait for her husband to begin the proceeding. I had no idea what was going on until he arrived, over an hour later, and introduced himself as her boss, and as an attorney. We proceeded to speak to a mediator, where I refused to settle the case for half the amount requested, 6% of a year's rent. (Pat had decided that the fee she said I agreed to was no longer 10%, but 12%.) I know now that I should have hired an attorney, and am now a firm believer in the theory that a person who represents herself has a fool for a client. However, at that time, I still retained the naive and inaccurate idealism that led me to believe that the truth would prevail. Besides, I had absolutely no proof, and I couldn't afford an attorney.

The Domus ad proved to be of no help, because, as Pat's husband/attorney/boss explained, the paper was not authenticated in any way, and I could have printed it out myself. Furthermore, he argued, even if the ad was legitimate, it referred to one of the other apartments that Pat had shown me. The ad did not refer to the apartment that I had taken, he argued, as was proven by the fact that they were in court suing me for a finders fee. If that ad had referred to my apartment, then there would be no problem. Right? Of course, agreed the court, and asked me if I had anything to prove that I had NOT agreed to pay a finders fee. Silly me, I misunderstood. I was under the impression that the law required her to have some sort of proof that I had agreed to pay her, and not the other way

around. Obviously, I had no way to prove that I hadn't agreed. How do you prove a negative? My father and I each recounted, in detail, our experience with Pat. Her husband bombarded us with questions, and then gave a long speech, in closing, saying that U should reconsider law school if I had the gall to come before a judge and blatantly lie as I had just done. Then we all filled out envelopes and gave them to the judge so that she could send us her verdict.

I wasn't surprised when I received notice in the mail that I had to pay Pat 12% of my yearly rent. I was, however, extremely disappointed. I felt that had I hired an attorney, there was no way she would have prevailed. But this was Small Claims Court, supposedly "pro se". What is the use of allowing litigants to speak for themselves when their opponent has representation who works to twist the language and confuse the case and the issues with legal jargon and manipulation?

As aforementioned, I didn't have the money

to hire an attorney, but had I done so, it would have cost me only half of what I ultimately paid. It seems that many people who are in Small Claims Court are in a much worse position than I was, and they remain in a lose/lose situation. If they are the party in the right, they must hire an attorney to prove it. If they cannot afford one, they must speak for themselves against an attorney. The unfairness in such a proceeding is obvious and quite distressing. It simply does not seem like anything close to an even sided argument. The litigant is at a disadvantage from the beginning, and, from this disadvantaged position, is expected to adequately protect and stand up for rights guaranteed in law, when he may not even be aware of what those rights are. The whole idea is ridiculous. But what is the solution? It seems that something needs to be done to prevent the more unlucky, or impoverished people in the community from being taken advantage of in this manner, and by a system that should be there to protect them, not do them harm.

Down With the Wall

By Reasonable Cause

Is anyone else disgusted with the grade wall? I still can not understand the tortuous method our law school chooses to return our marks. I just love arriving to school everyday not knowing what is up and what to expect.

Nor do I want to receive my grades in public, whether they be high or low. There is nothing like getting back a grade and having to turn around to face five people scurrying past you to get a look at the board. Then they ask you the question, "What did you get?" All you are doing is trying to think what you did to piss off the professor that you blame for destroying your future, and now you have some obnoxious person in your face. Does this fellow student care about your welfare? Or is it really that they seek to compare their grade with you and hope that your mark is lower? Hate to be pessimistic, or am I simply realistic? To those of you who are sincerely benevolent and care for others, ignore this last paragraph.

And then there are the grade counters. You know who they are. They count the number of A's and B's more carefully than a CPA would. These are people I want as my future tax attorneys. How many times can you look at the board? Ten, twenty? The board is creating a whole new breed of obsessive compulsives. Well, at least that is good news for the psychiatrists of the world.

Also, along this line, I love the people who try to figure out exam numbers by process of elimination. You know, they connect grades to numbers in hopes of finding out the grades of the one person who actually wants their privacy. Come on, grade counters, you must have better things to do with your time. Don't ever base your success on someone else's performance. You'll never be "successful" unless you judge yourself by your own standards, and not solely by external factors.

And it is great how the school leaves the grades up for most of the semester. Just in case you want to get a twentieth look. Take them down after a week! What is the point in keeping them up? As if six weeks into the semester I am going to remember that I forgot to check one of my classes? Oh yes, it is March- I think I'll check out the board.

I do not fault anyone for looking at the board. I check each day just like anyone else. The reality is that grades are important.. I simply despise the system. The piecemeal distribution of grades is horrendous. There is nothing like being lulled into a false sense of security by receiving a high grade first, and then going down hill. Or the opposite, being upset about an initially low grade and not knowing what to expect in the days to come.

There is a simple solution here. The registrar mails the grades to us already- that is all that must be done. Let us get the results in one shot, not in an insensitive, unpredictable manner that fosters an overly competitive environment.. I'd much rather be able to react in the privacy of my own home, and not in front of the school cafeteria. Case closed.

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BAR/BRI BULLETIN

DATES TO REMEMBER

DAY/DATE

EVENT

FRIDAY, FEBRUARY 10

**OFFICIAL FILING DEADLINE
FOR MARCH 10th MPRE**

FRIDAY, FEBRUARY 17

**FILING DEADLINE FOR SUMMER 1995
BAR/BRI COURSE SCHOLARSHIPS**

SUNDAY, FEBRUARY 26

**Lecture: MPRE REVIEW (LIVE LECTURE)
Location: MARRIOTT MARQUIS
(45th St. & Broadway, N.Y.C.)
Time: 11AM - 3PM
Tuition: FREE for BAR/BRI enrollees**

FRIDAY, MARCH 10

**MULTISTATE PROFESSIONAL
RESPONSIBILITY EXAM (MPRE)**

TUESDAY, MARCH 28

- 1) 1995 BOOK DISTRIBUTION BEGINS
- 2) CLASS OF '95 - \$125 NY DISCOUNT ENDS
(\$50 discount until April 26)
- 3) CLASS OF '96 - \$155 NY DISCOUNT ENDS
(\$125 discount until April 26)

NOTE: CLASS OF '97 & '98 - \$155 NY DISCOUNT CONTINUES UNTIL APRIL 26

SUNDAY, APRIL 2

**Lecture: CPLR MINI-REVIEW
(LIVE LECTURE)
Location: MARRIOTT MARQUIS
(45th St. & Broadway, N.Y.C.)
Time: 10AM - 4PM
Tuition: FREE for BAR/BRI enrollees**

WEDNESDAY, APRIL 26

- LAST DAY FOR:**
- 1) BOOK PICK-UP
 - 2) DISCOUNTED TUITION

THURSDAY, APRIL 27

**FILING PERIOD BEGINS FOR
JULY 1995 NY BAR EXAM**

FRIDAY, MAY 19

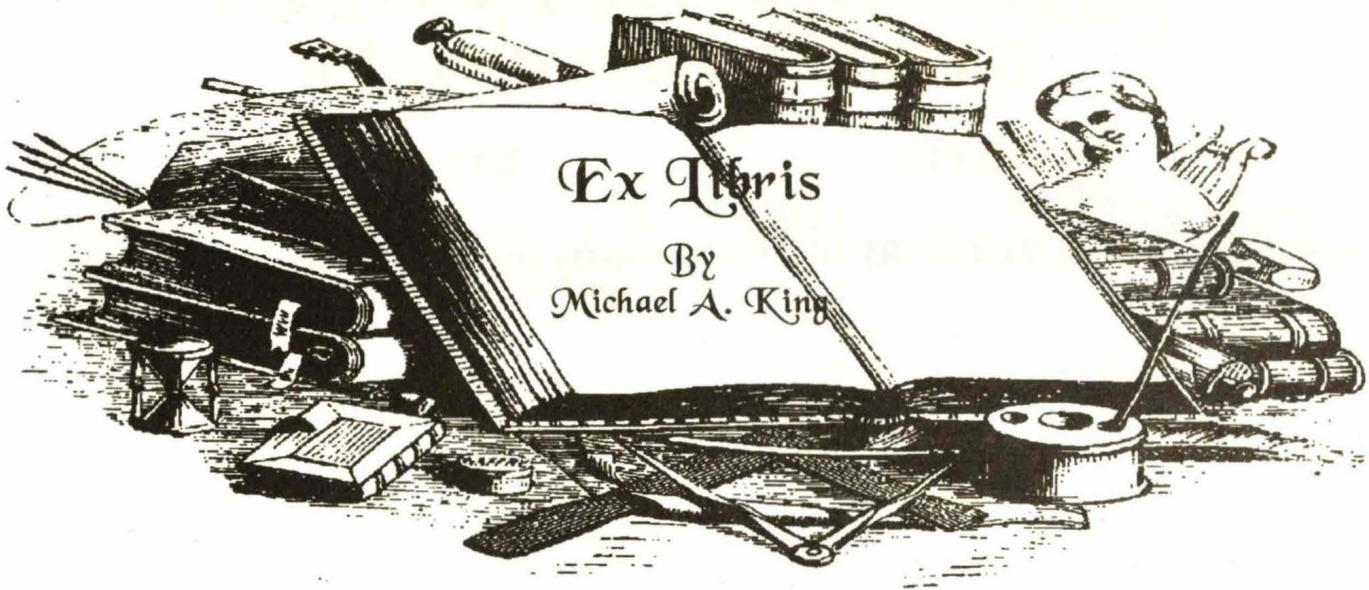
NY COURSE BEGINS AT LIVE LOCATION

WEDNESDAY, MAY 24

NY COURSE BEGINS AT TAPE LOCATIONS

SATURDAY, MAY 27

**FILING PERIOD ENDS FOR
JULY 1995 NY BAR EXAM**



Book Review--
*Certain Trumpets: The Call of
 Leaders*
 by Gary Wills

Leadership books seem to be published at an alarming rate and many of them are a mere regurgitation of the Dale Carnegie school of pithy platitudes. Mr. Wills, the winner of the 1992 Pulitzer Prize for his book *Lincoln at Gettysburg*, has written this leadership book with a different approach. Using various leaders as examples of the different types of leadership personalities, Mr. Wills draws on his vast historical knowledge to describe how these leaders combined their unique talents and the needs of their followers to reach the goals that they had decided upon.

Many of the leaders that Mr. Wills describes are not the typical people that you would expect to find in this type of book. It is refreshing to read about Carl Stotz, the founder of Little League Baseball, as an example of a sports leader. And the treatment that the author gives Harriet Tubman as an example of the radical leader type is excellent. Mr. Wills develops this technique by picking an example of the different leadership

types and then contrasting them with an antitype. Unfortunately, this method of getting his point across causes much anguish for the reader. I repeatedly found myself hoping that the individual chapters would expand their treatment of the leadership subjects. It seems that the task of treating a Napoleon or a King David can not be properly done in a few pages. As soon as the reader's interest in an individual subject is piqued the author abruptly changes to a different theme.

Mr. Wills does make some important points about leadership. However, these are rather predictable. A few examples; a leader needs followers, the circumstances often provide opportunities for decisive action, a leader needs to be able to adapt his aims to his followers wishes. This was not a bad book, but if the author had narrowed down his subject and perhaps limited it to a history of leadership it would have been better.

BAR/BRI BULLETIN

DATES TO REMEMBER

DAY/DATE

EVENT

FRIDAY, FEBRUARY 10

**OFFICIAL FILING DEADLINE
FOR MARCH 10th MPRE**

FRIDAY, FEBRUARY 17

**FILING DEADLINE FOR SUMMER 1995
BAR/BRI COURSE SCHOLARSHIPS**

SUNDAY, FEBRUARY 26

**Lecture: MPRE REVIEW (LIVE LECTURE)
Location: MARRIOTT MARQUIS
(45th St. & Broadway, N.Y.C.)
Time: 11AM - 3PM
Tuition: FREE for BAR/BRI enrollees**

FRIDAY, MARCH 10

**MULTISTATE PROFESSIONAL
RESPONSIBILITY EXAM (MPRE)**

TUESDAY, MARCH 28

- 1) 1995 BOOK DISTRIBUTION BEGINS
- 2) CLASS OF '95 - \$125 NY DISCOUNT ENDS
(50 discount until April 26)
- 3) CLASS OF '96 - \$155 NY DISCOUNT ENDS
(125 discount until April 26)

NOTE: CLASS OF '97 & '98 - \$155 NY DISCOUNT CONTINUES UNTIL APRIL 26

SUNDAY, APRIL 2

**Lecture: CPLR MINI-REVIEW
(LIVE LECTURE)
Location: MARRIOTT MARQUIS
(45th St. & Broadway, N.Y.C.)
Time: 10AM - 4PM
Tuition: FREE for BAR/BRI enrollees**

WEDNESDAY, APRIL 26

**LAST DAY FOR: 1) BOOK PICK-UP
2) DISCOUNTED TUITION**

THURSDAY, APRIL 27

**FILING PERIOD BEGINS FOR
JULY 1995 NY BAR EXAM**

FRIDAY, MAY 19

NY COURSE BEGINS AT LIVE LOCATION

WEDNESDAY, MAY 24

NY COURSE BEGINS AT TAPE LOCATIONS

SATURDAY, MAY 27

**FILING PERIOD ENDS FOR
JULY 1995 NY BAR EXAM**